

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

PPG INDUSTRIES, INC.,

Plaintiff,

v.

Civil Action No. 5:07CV85
(STAMP)

INTERNATIONAL CHEMICAL WORKERS
UNION COUNCIL OF THE UNITED
FOOD AND COMMERCIAL WORKERS and
INTERNATIONAL CHEMICAL WORKERS
COUNCIL OF THE UNITED FOOD
AND COMMERCIAL WORKERS,
LOCAL UNION NO. 45C,

Defendants.

ORDER APPROVING THE PARTIES' STIPULATION
REGARDING EXTENSION OF DEADLINES

This Court entered a scheduling order in the above-styled civil action on October 2, 2007. On November 28, 2007, the parties filed a stipulation pursuant to Local Rule of Civil Procedure 16.01(f)(2). The parties stipulate that the deadline for filing memoranda in opposition to dispositive motions shall be January 17, 2008; and that any reply memoranda to the memoranda in opposition to dispositive motions shall be filed on or before January 31, 2008. The stipulation does not modify any other deadlines set forth in the October 2, 2007 scheduling order.

Local Rule of Civil Procedure 16.01(f)(2) states, in pertinent part, that "stipulations to modify disclosure or discovery procedures or limitations will be valid and enforced if they are in writing , signed by the parties making them or their counsel, filed

promptly, and do not affect the trial or other dates and deadlines specified in subparagraph (1)." L. R. Civ. P. 16.01(f)(2). Subparagraph (1) of Local Rule 16.01(f) states, in pertinent part, that "[t]ime limits in the scheduling order for the joinder of other parties, amendment of pleadings, filing of motions, and completion of discovery, and dates for conferences before trial, a final pre-trial conference, and trial may be modified for cause by order." L. R. Civ. P. 16.01(f)(1).

The parties' stipulated modification will affect the deadlines in the scheduling order relating to dispositive motions practice and is, therefore, subject to Local Rule of Civil Procedure 16.01(f)(1). Accordingly, to be valid and enforceable, the stipulation requires a court order. Because the parties' stipulation does not change the dates set forth for the joinder of other parties, amendment of pleadings, completion of discovery, dates for conferences before trial, the final pre-trial conference, or trial, this Court will APPROVE the parties' stipulation.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: December 5, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE